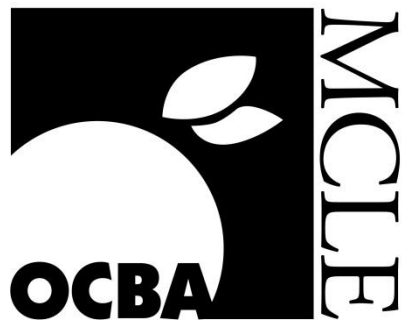

ORANGE COUNTY BAR ASSOCIATION

**CONSTRUCTION LAW
SECTION WEBINAR**

The Impact of COVID-19 On Jury Pools



Wednesday, June 2, 2021

JURORS' VIEWS IN PANDEMIC TIMES

What Jury Research Shows

Daniel Wolfe, J.D., Ph.D.
Magna Legal Services

NATIONWIDE (U.S.) SURVEY DATA

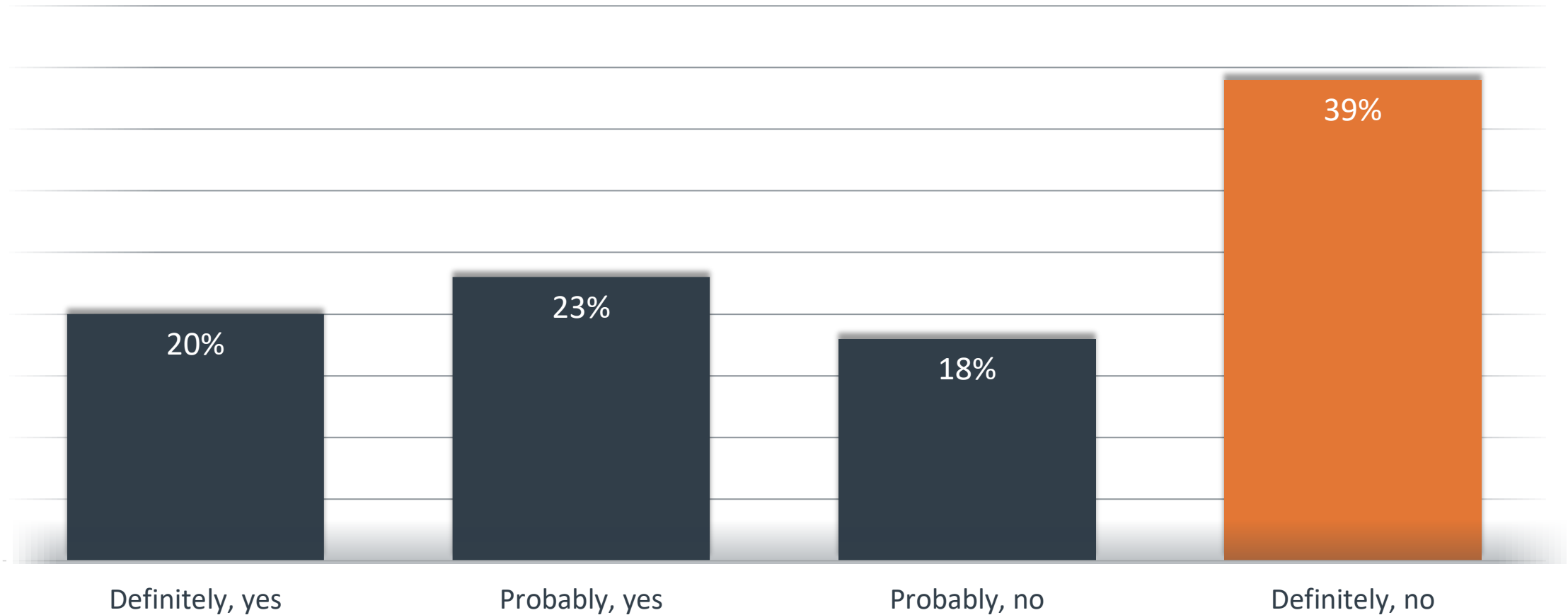
5 SURVEYS:

- 1) Mid-March 2020 to Present – Over 5,000 respondents
 - a) Jury service issues
- 2) June 2020
 - a) Jury service issues
 - b) Impact of COVID-19 on jury decision-making
- 3) August 2020
 - a) Impact of COVID-19 on specific juror attitudes
 - b) Industry sector issues
- 4) October 2020
 - a) Impact of COVID-19
 - b) Patents, Technology, Manufacturing
- 5) December 2020
 - a) Perceptions of Long-Term Care Communities
 - b) Perceptions of Cigarette Manufacturers



Jury Service

Do you think that the COVID-19 crisis is being exaggerated by the media?

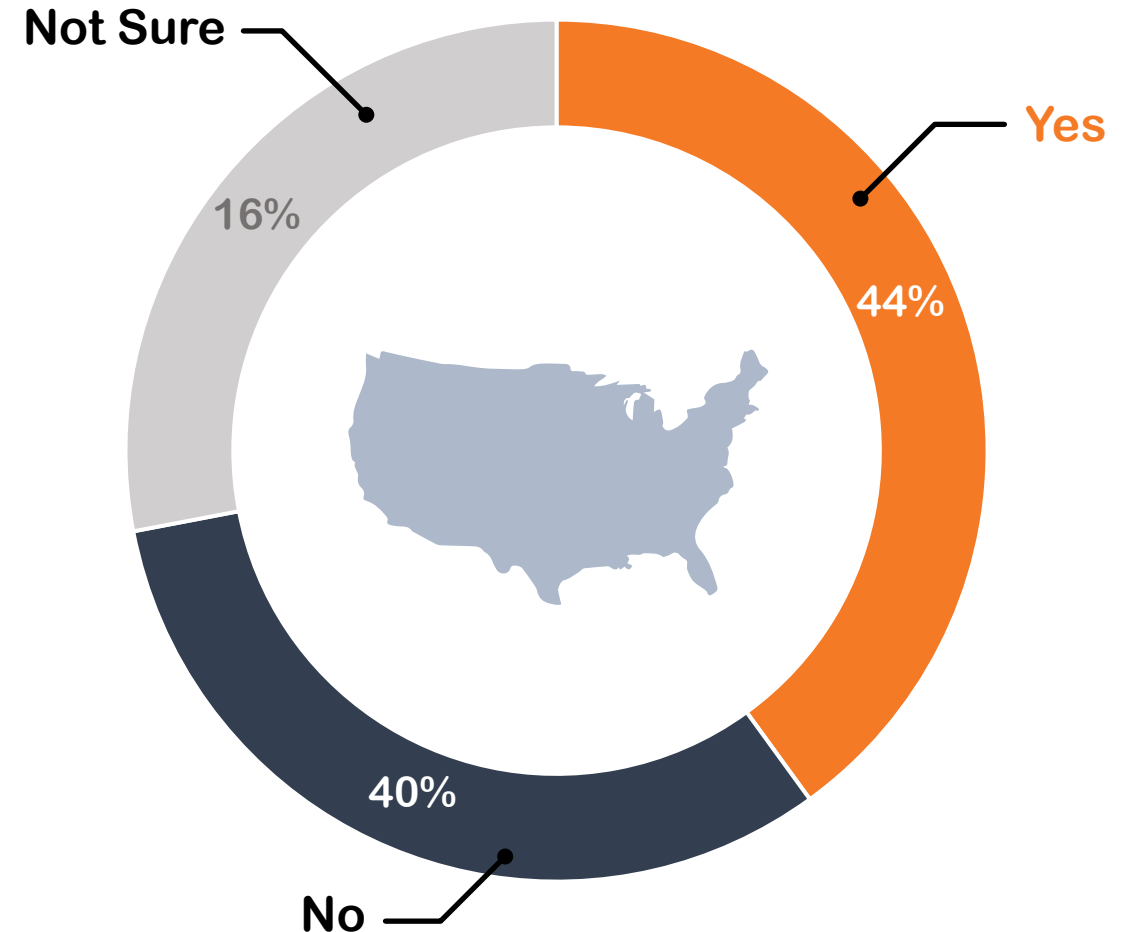


WILL THE PANDEMIC AFFECT JURY SERVICE?

If you are called as a juror for a civil or criminal trial, would you be less likely to report for jury duty than you were before the pandemic?

Which factors would make you less likely to report for jury duty?

- Health Concerns – 88%
- Financial Concerns – 27%
- Childcare Concerns – 21%
- Employment Concerns – 19%



WHO IS **LESS** LIKELY TO SERVE ON A JURY CURRENTLY?

People most hesitant to report for jury duty include:

- Under the age of 34 (Millennials and Generation Z)
- Women
- Democrats and those with “other” political affiliation
- People with lower household income/economically disadvantaged
- People with minor children
- Homemakers and students

These are stereotypically plaintiff-friendly characteristics.

WHO IS ***MORE*** LIKELY TO SERVE ON A JURY CURRENTLY?

People least hesitant to report for jury duty include:

- Republicans and Independents
- People with adult children
- People employed full time or retired (more stable financially)

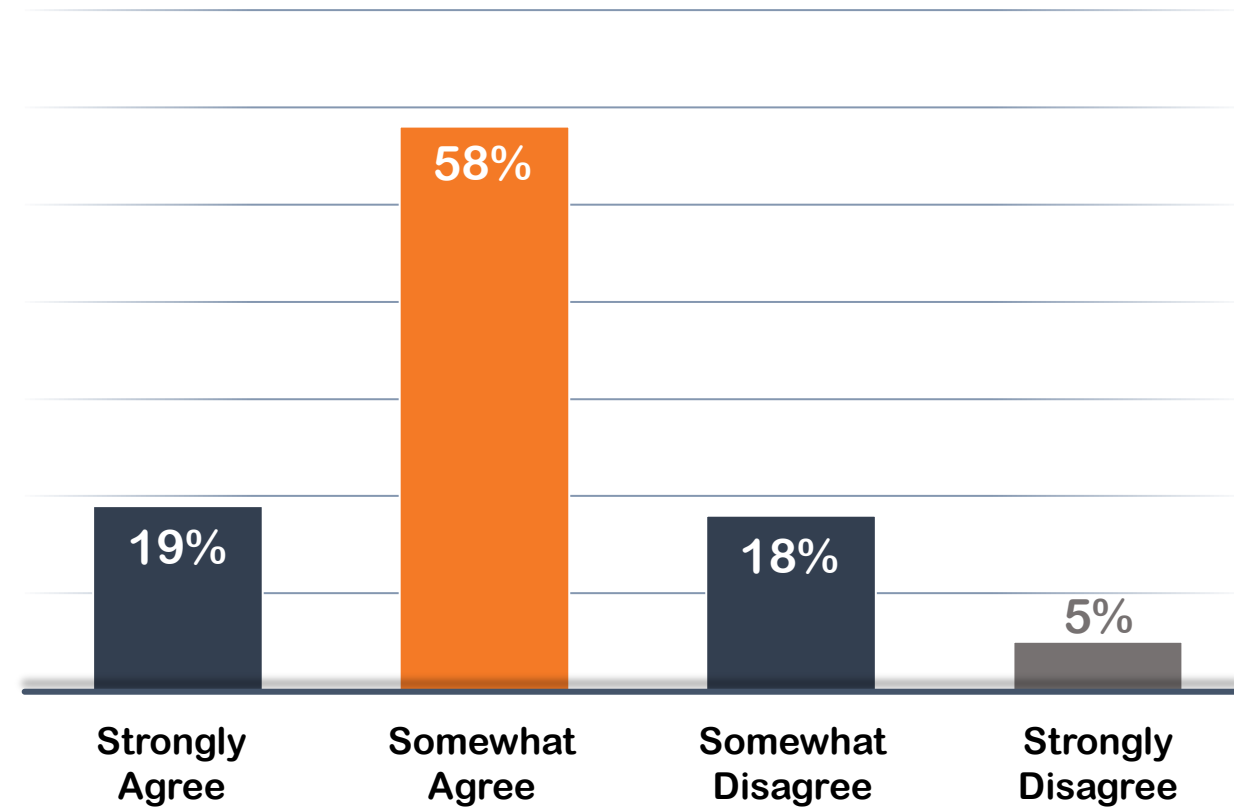
These are stereotypically defense-friendly characteristics.



Juror Vulnerability

“CRISIS FATIGUE” – The Psychology of Why

In the wake of so many different types of crises, disasters, and catastrophes, **the public has become immune** to government warnings and calls for help.



COVID-19'S EFFECT ON JURORS' VULNERABILITY

How has the COVID-19 outbreak affected your views of **your own safety / vulnerability**?

Very Vulnerable:



52%

No Effect:



29%

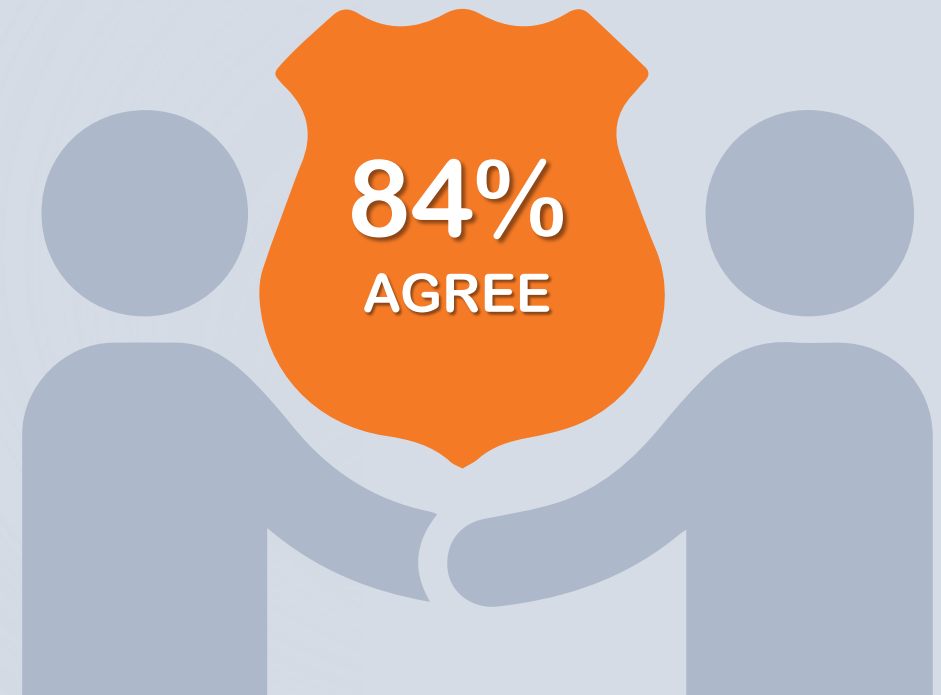
More Aware:



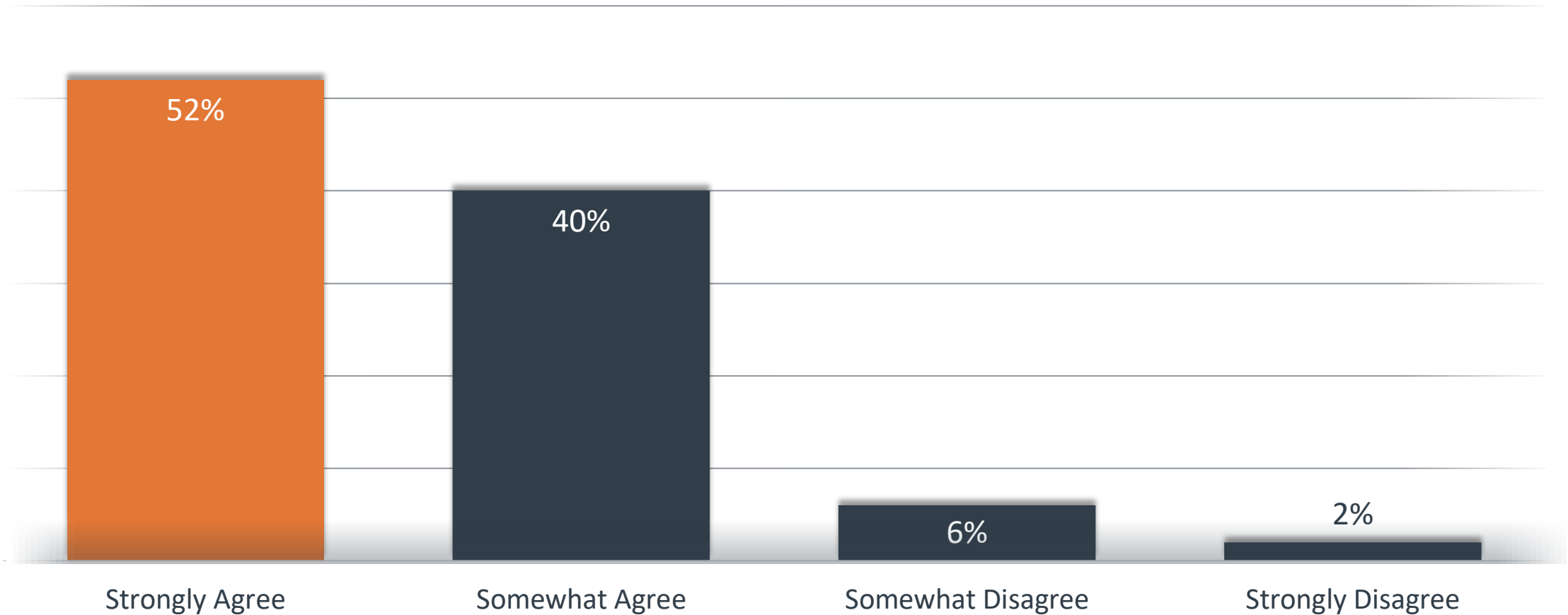
19%

“REPTILIAN” JURORS

In today's world, juries need to be the "guardians of the community" by **forcing companies to change their bad behavior with large damage awards**



People Often Blame Others for Their Problems Rather Than Take Responsibility for Their Own Actions.



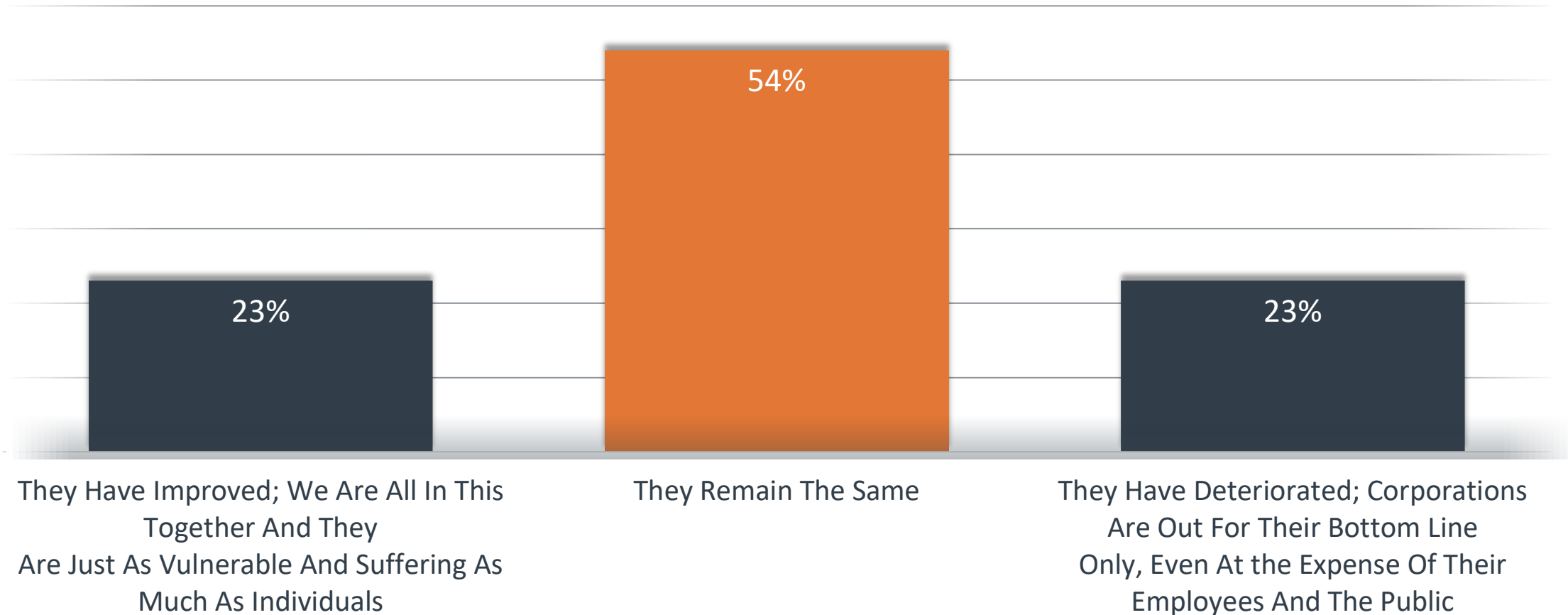
WHAT DOES THIS ALL MEAN?

- In general, many potential jurors are now more vulnerable than pre-pandemic, which can make them more plaintiff-friendly
- However, the most vulnerable and risk-averse people are less likely to show up for jury duty or to be seated on a jury currently
- As a result, juries slightly more pro-defendant in the short-term, but most likely only temporary
- As pandemic fades and pro-plaintiff jurors become more comfortable, trends should gravitate to normalcy

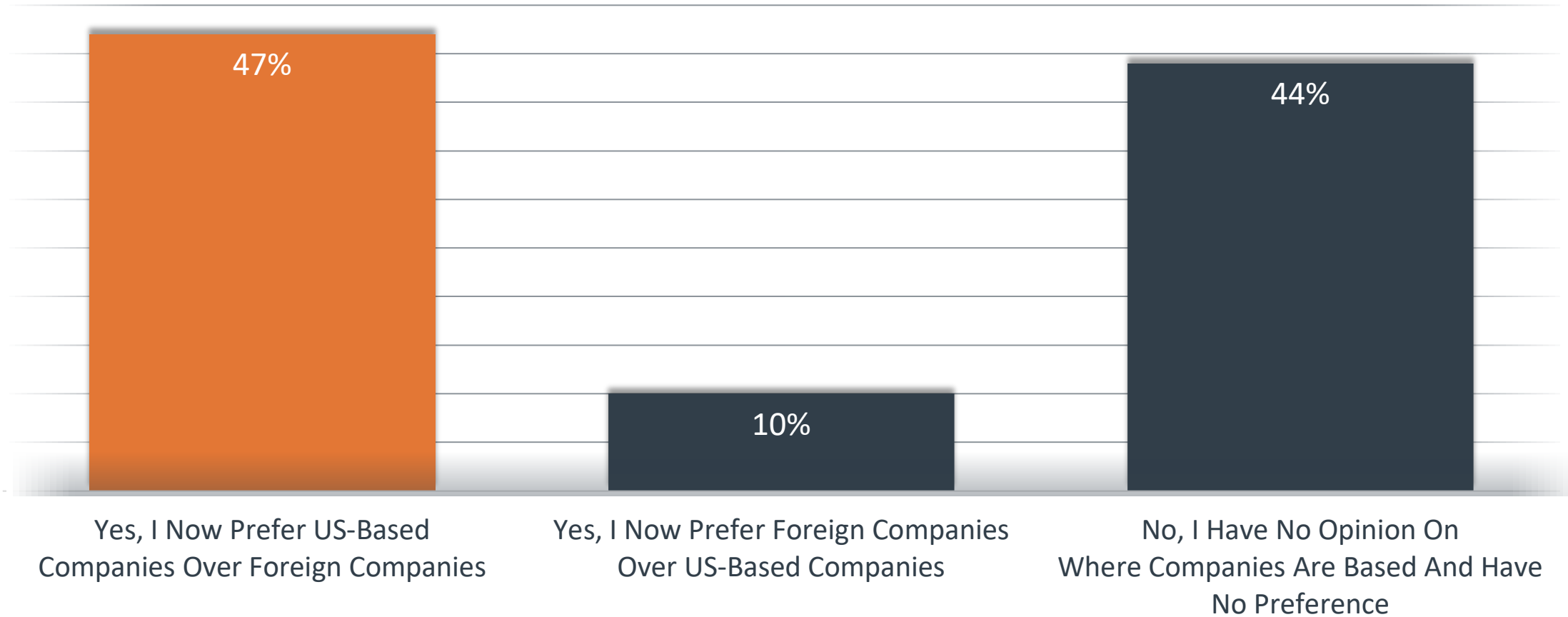
An aerial photograph of New York City, featuring the Chrysler Building prominently on the right side. The building's iconic Art Deco architecture, including its tiered spire, is clearly visible. The surrounding cityscape is dense with various skyscrapers and buildings. In the background, the Hudson River and the New York Harbor are visible under a hazy sky. The image is overlaid with a large, semi-transparent orange triangle that points towards the Chrysler Building. The text "Views of Corporations" is written in a large, dark, sans-serif font across the lower-left portion of the image.

Views of Corporations

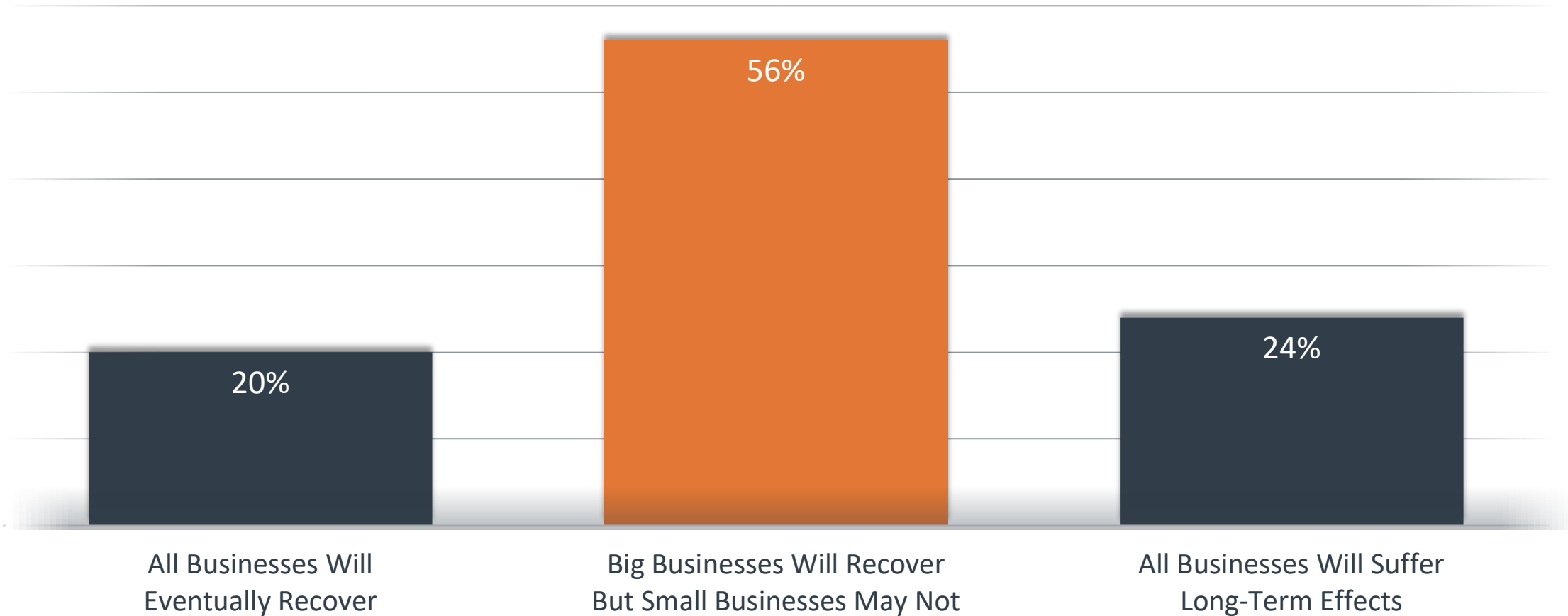
How Has the COVID-19 Outbreak Impacted Your Views of Corporations?



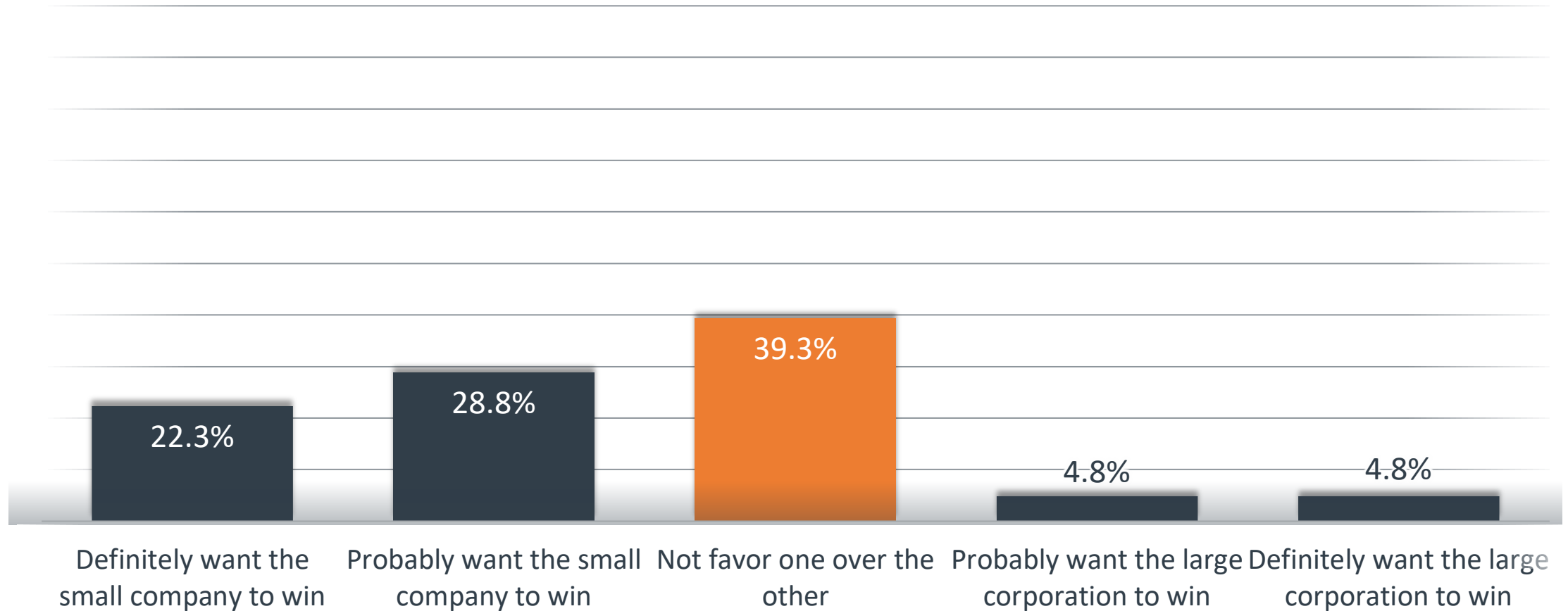
Since the Onset of the Pandemic, Has Your View of US-Based Versus Foreign Based Companies Changed?



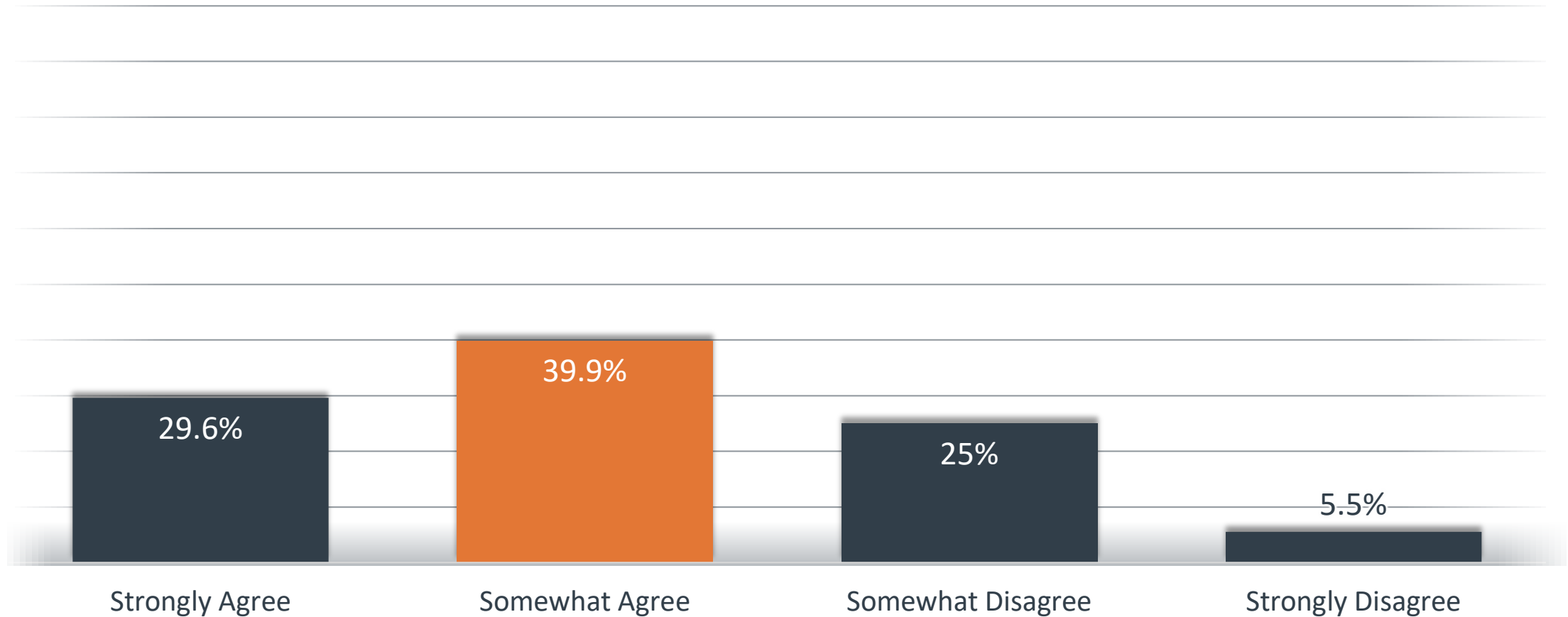
How Well Do You Feel Most Businesses and Corporations Will Recover From the Economic Toll of COVID-19?



In a lawsuit between a small company and a large corporation, I would:



Companies care more about profits than the safety of their products.



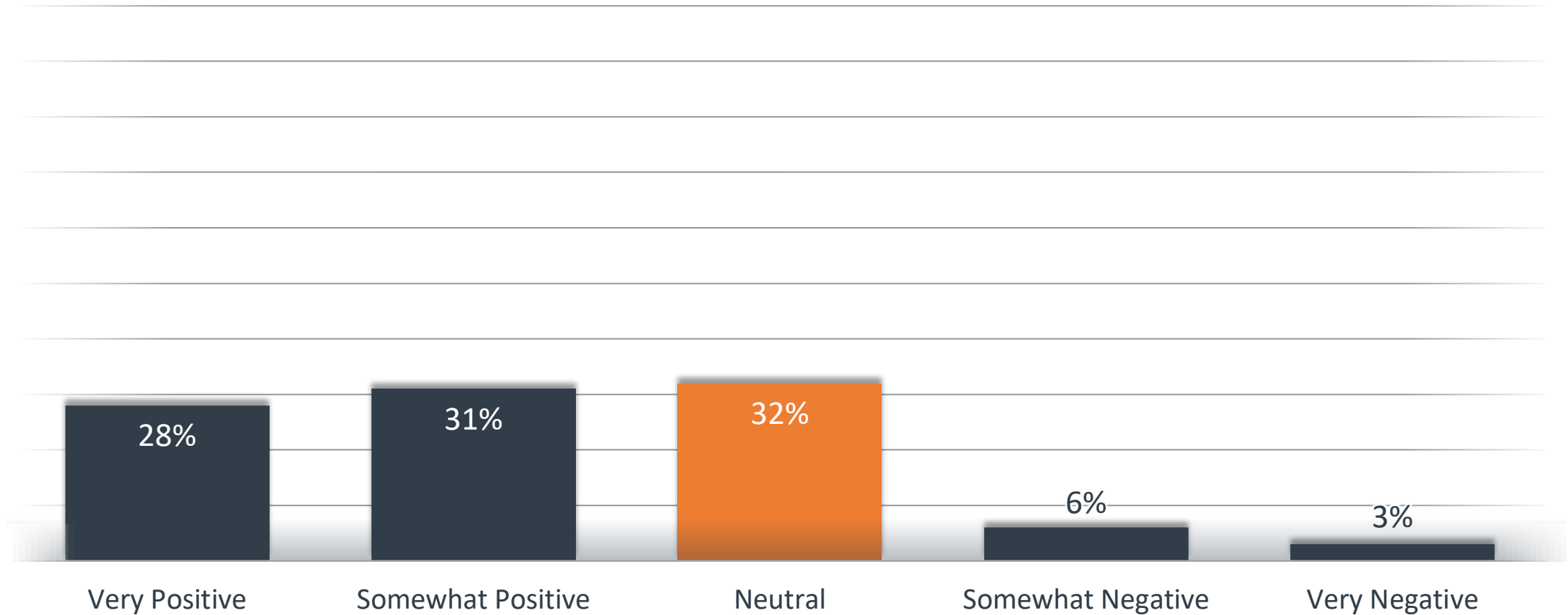
WHAT DOES THIS ALL MEAN?

- Views of corporate America are mixed and subject to Halo and Ripple Effects depending on industry sector
- Corporate survival during pandemic directly dependent upon adaptability and being a Good Corporate Citizen, which can create pedestal effect
- Jurors are still respectful of competition and innovation, however, jurors also believe corporations are more likely to cheat and act unfairly
- Idealism and cynicism are long-standing predispositions of U.S. jury pool that have become more polarized during pandemic
- Competition in the marketplace primarily still a function of “fairness” as opposed to being “ethical”



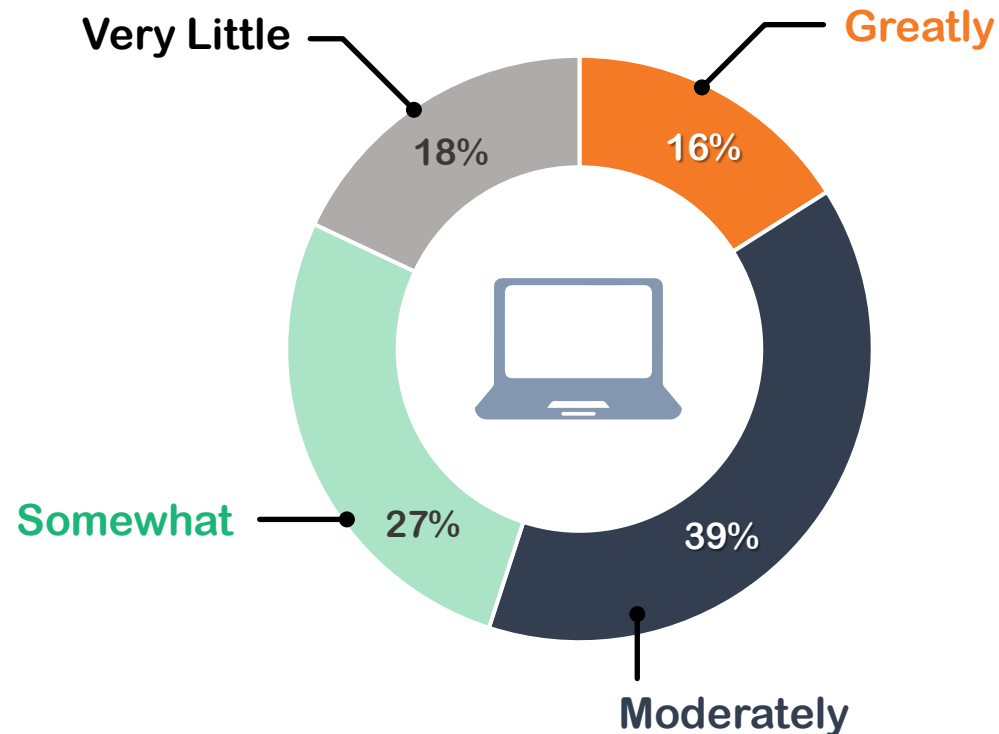
Views of Technology and Life Sciences Companies

What are your views of tech companies generally?

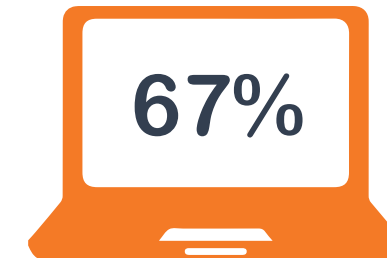


CURRENT VIEWS OF TECHNOLOGY COMPANIES

To what extent do you think technology companies **have been impacted by the economic crisis surrounding the COVID-19 pandemic**



How has **your view of technology companies** changed since the beginning of the COVID-19 pandemic?



67% BELIEVE THAT THE VALUE OF TECHNOLOGY HAS INCREASED SINCE THE START OF COVID-19

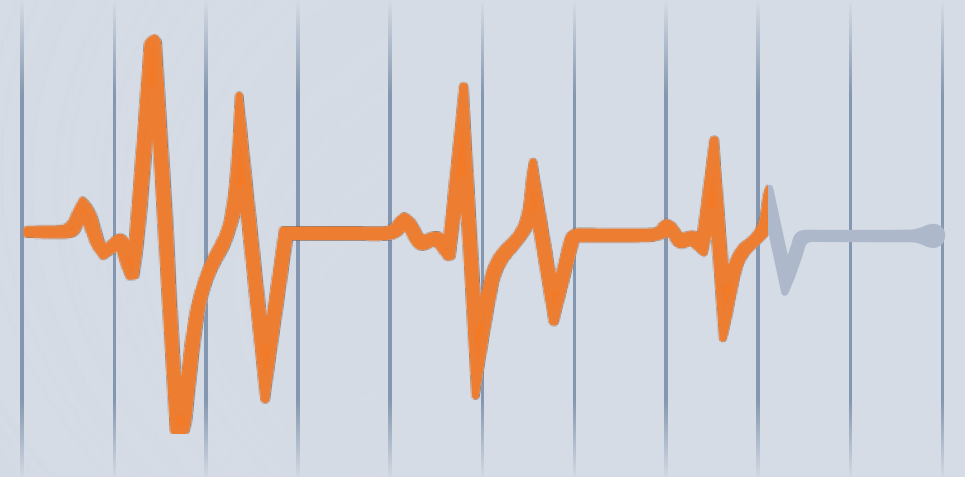
PROFITS VS. PUBLIC HEALTH

89% AGREE



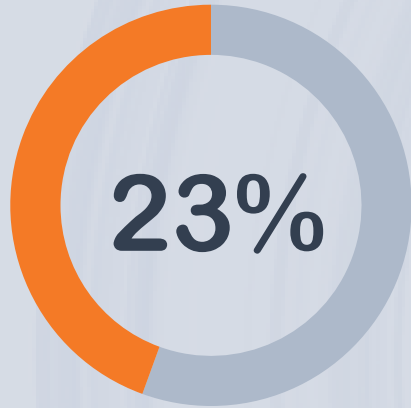
PHARMACEUTICAL COMPANIES
ARE MORE CONCERNED ABOUT MAKING PROFITS
THAN PRESERVING / IMPROVING PUBLIC HEALTH

82% AGREE



MEDICAL DEVICE COMPANIES
ARE MORE CONCERNED ABOUT MAKING PROFITS
THAN PRESERVING/IMPROVING PUBLIC HEALTH

FRONTLINE “HALO EFFECT” → INDUSTRY “RIPPLE EFFECT?”



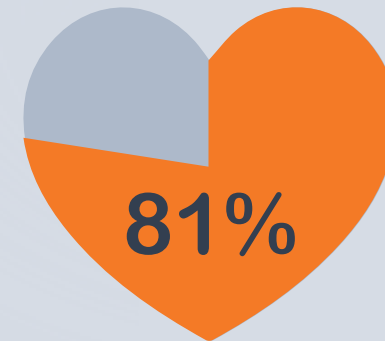
**23% IS OR KNOWS SOMEONE WHO IS
A COVID-19 HEALTHCARE WORKER**



**80% VERY CONCERNED ABOUT
COVID-19 HEALTHCARE WORKERS**



**60% WILL BE LESS CRITICAL OF
HEALTHCARE WORKERS POST-COVID**



**81% HAVE GREATER SENSE OF
COMPASSION FOR HEALTHCARE WORKERS**

Which Industries Might Benefit from a “Halo Effect?”

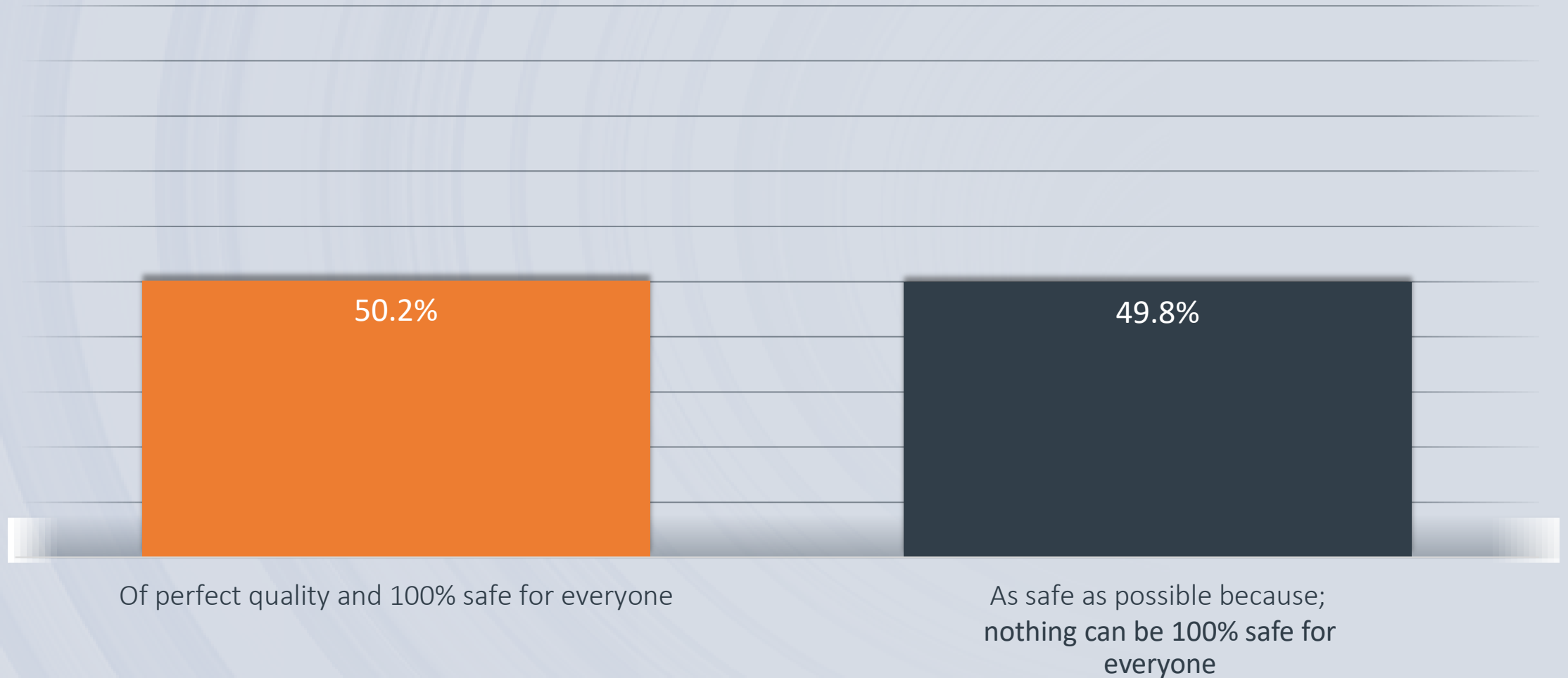
- **What types of businesses are essential?**

- Grocery stores – 82%
- Hospitals – 80%
- Doctors’ offices – 78%
- Pharmacies – 77%
- Banks – 70%
- Consumer delivery services – 62%
- Big box stores – 53%

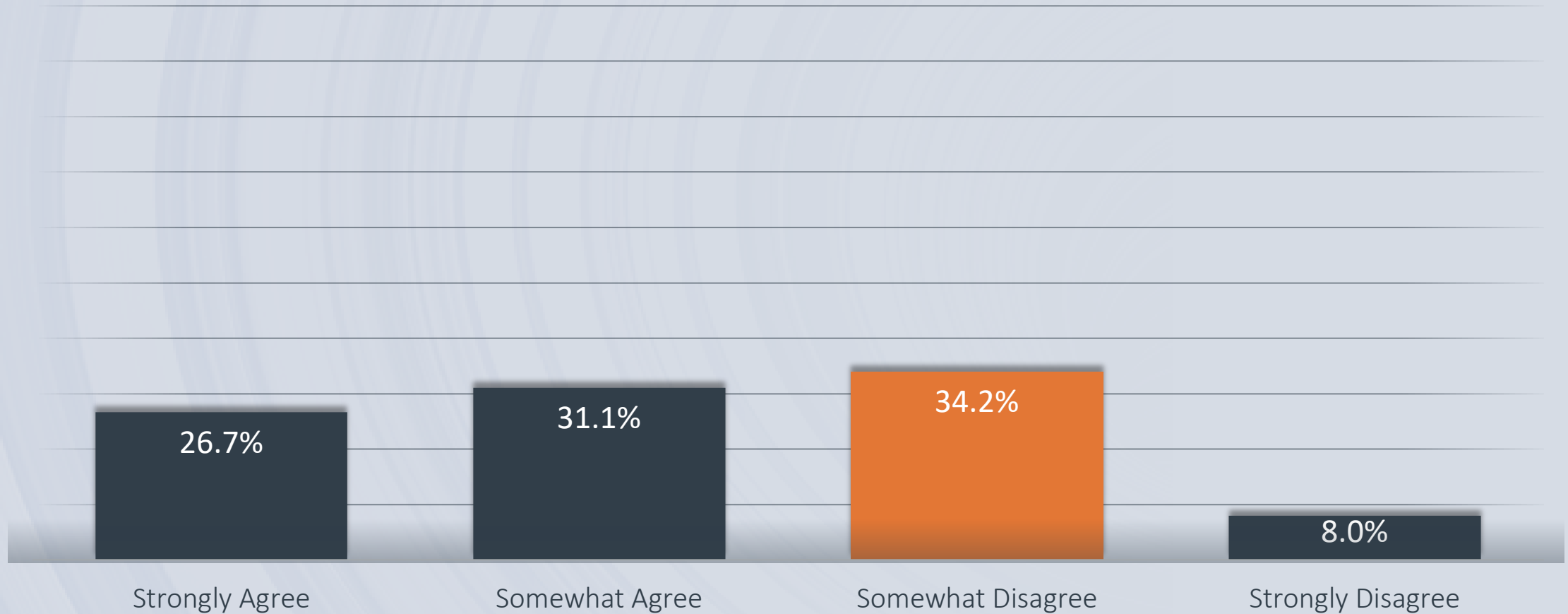
An aerial photograph of New York City, featuring the Chrysler Building prominently in the center-right. The image is overlaid with a large, semi-transparent orange diagonal shape that cuts across the frame from the top right towards the bottom left. The text "Attitudes Toward Manufacturers and Environmental/Toxic Torts" is centered in the lower half of the image, in a dark blue-grey font with a slight drop shadow.

Attitudes Toward Manufacturers and Environmental/Toxic Torts

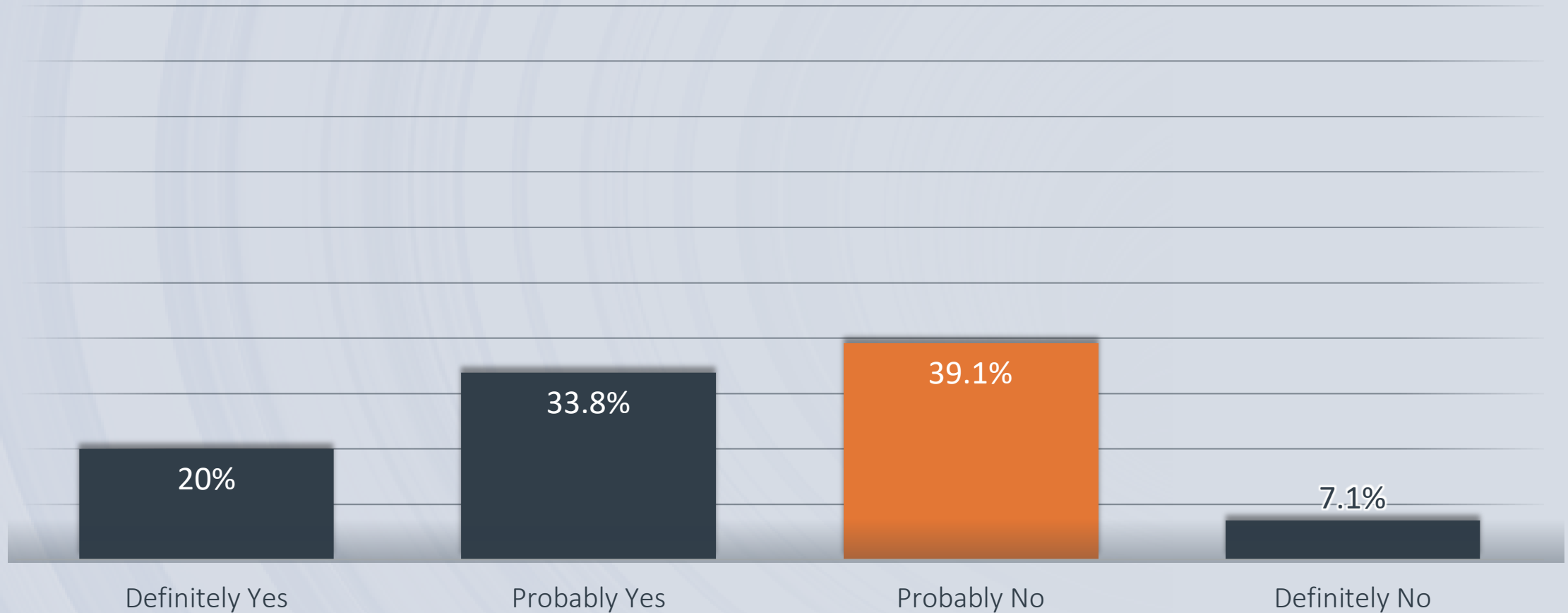
Consumer products should be:



If a manufacturer changes the design of a product, it usually means the original design was probably defective or had something wrong with it.



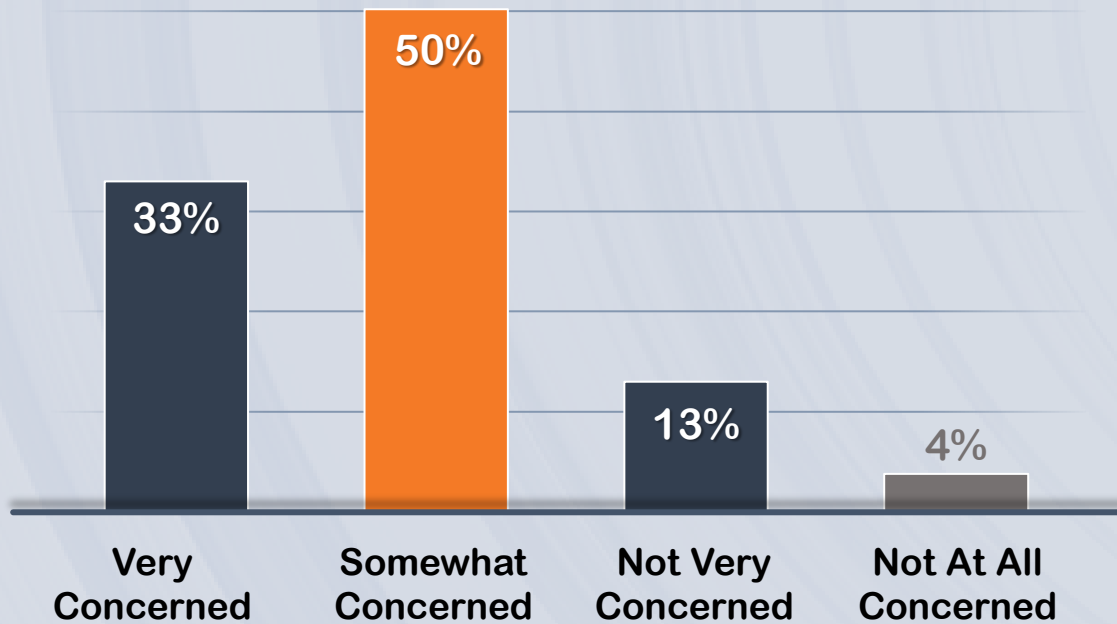
If a manufacturer changes the design of a product to improve the product's safety, does that mean the original version of the product was unsafe?



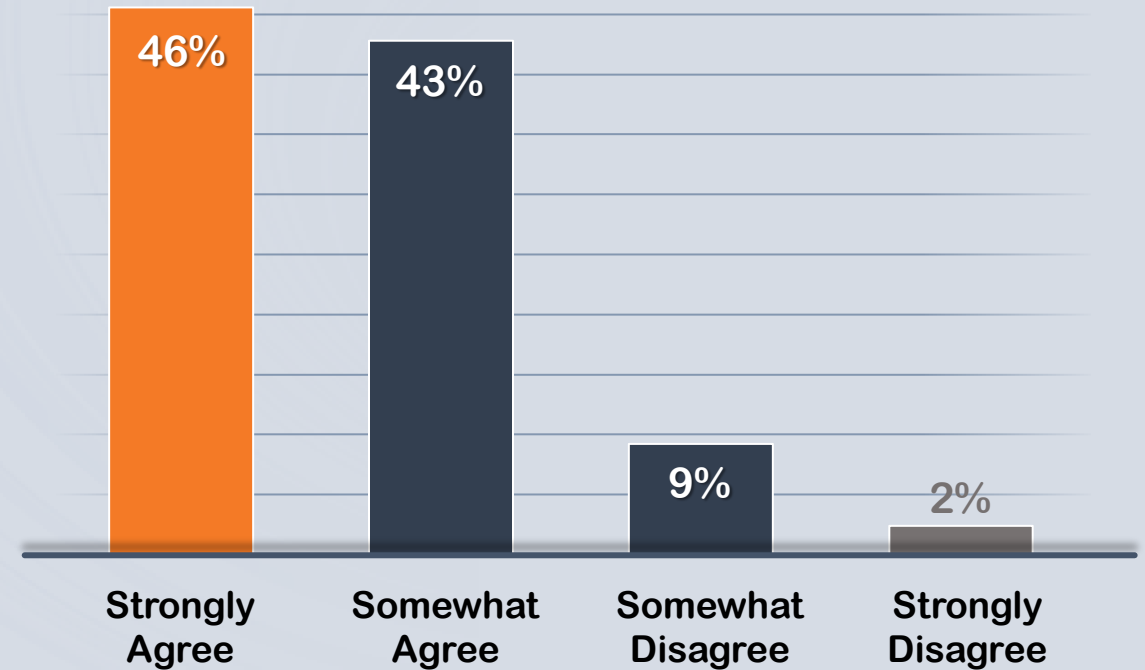
TOXIC CHEMICAL EXPOSURE



How concerned are you about **potential negative health effects related to exposure** to chemicals or chemical compounds?



Exposure to **any amount of a toxic chemical is dangerous** to human health

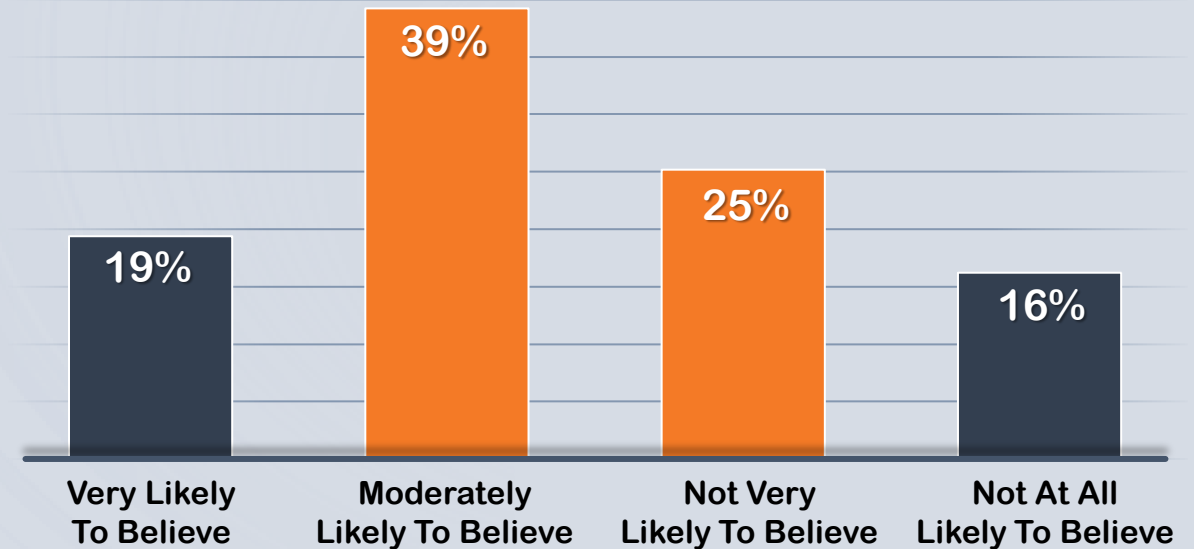


SCIENTIFIC RESEARCH ABOUT TOXIC CHEMICAL EXPOSURE



**97% BELIEVE EXPOSURE TO CHEMICALS
CAN CAUSE NEGATIVE HEALTH EFFECTS**

How likely are you to believe scientific research that indicates **certain chemicals / chemical compounds do not cause negative health effects**, such as cancer?



VIEWS ON PESTICIDES



Should never be used

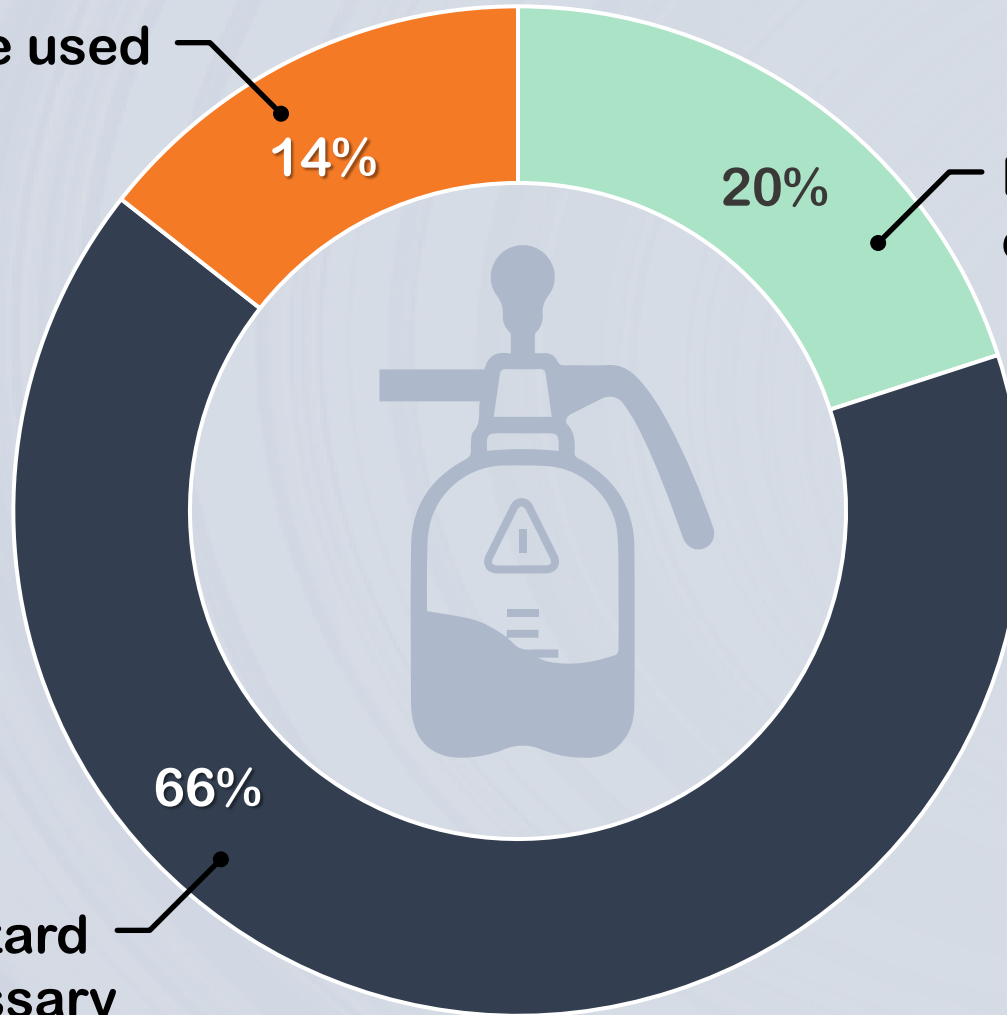
14%

20%

No problem with them –
convenient & effective

66%

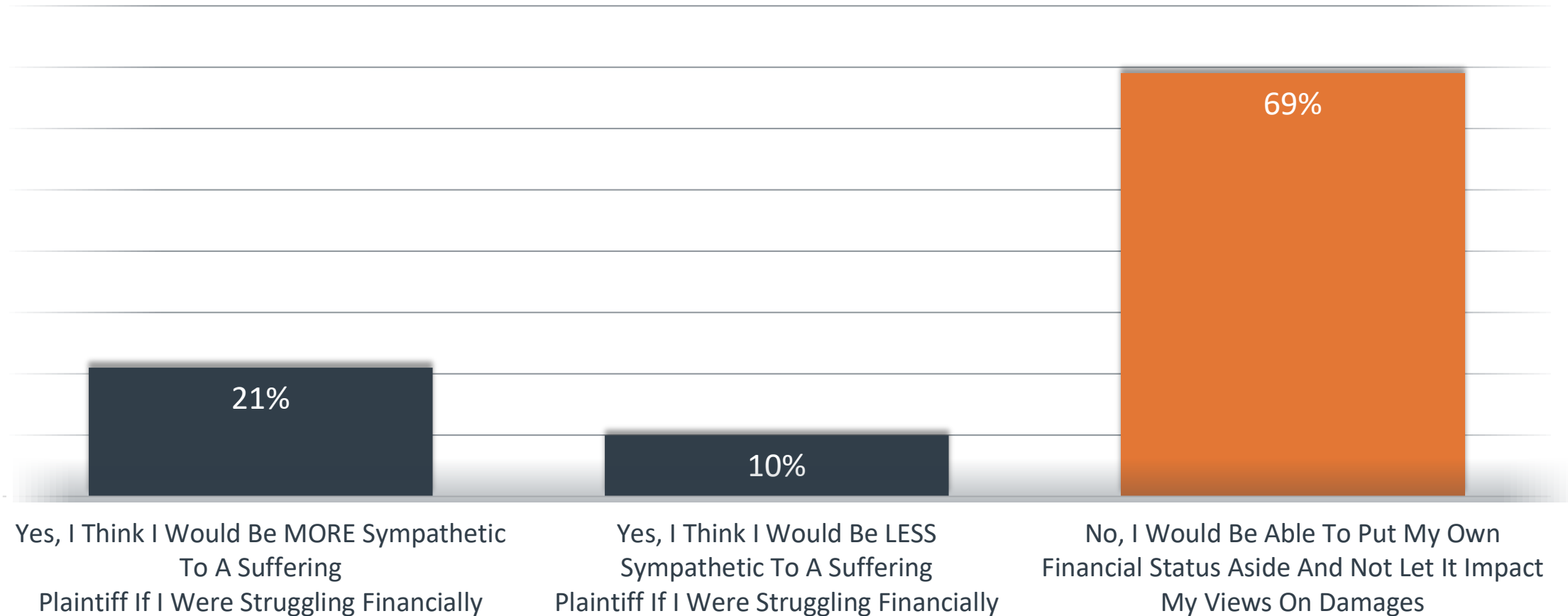
May pose hazard
but are necessary



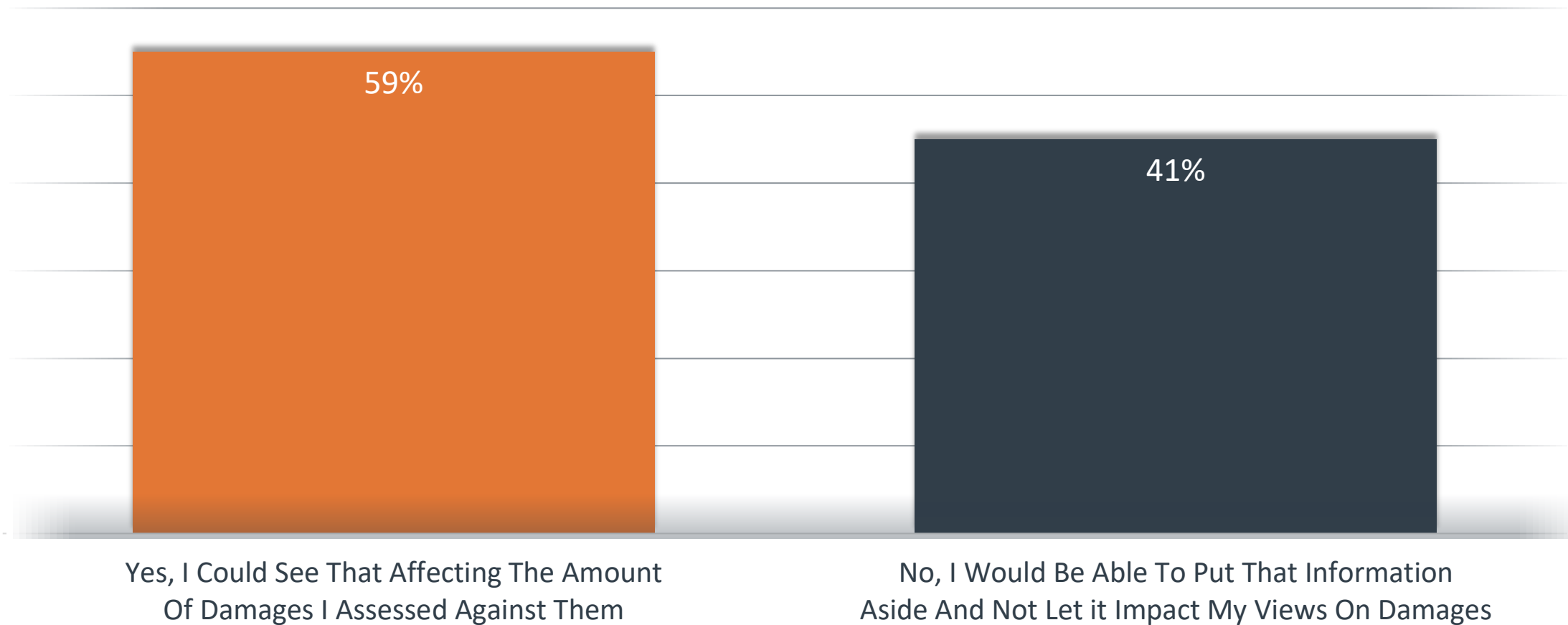
An aerial photograph of New York City, featuring the Chrysler Building prominently on the right. The image is overlaid with a large, semi-transparent orange diagonal shape that cuts across the frame from the top right towards the bottom left. The text "Attitudes About Damages" is written in a bold, dark blue font across the lower portion of the image, partially overlapping the orange shape and the cityscape.

Attitudes About Damages

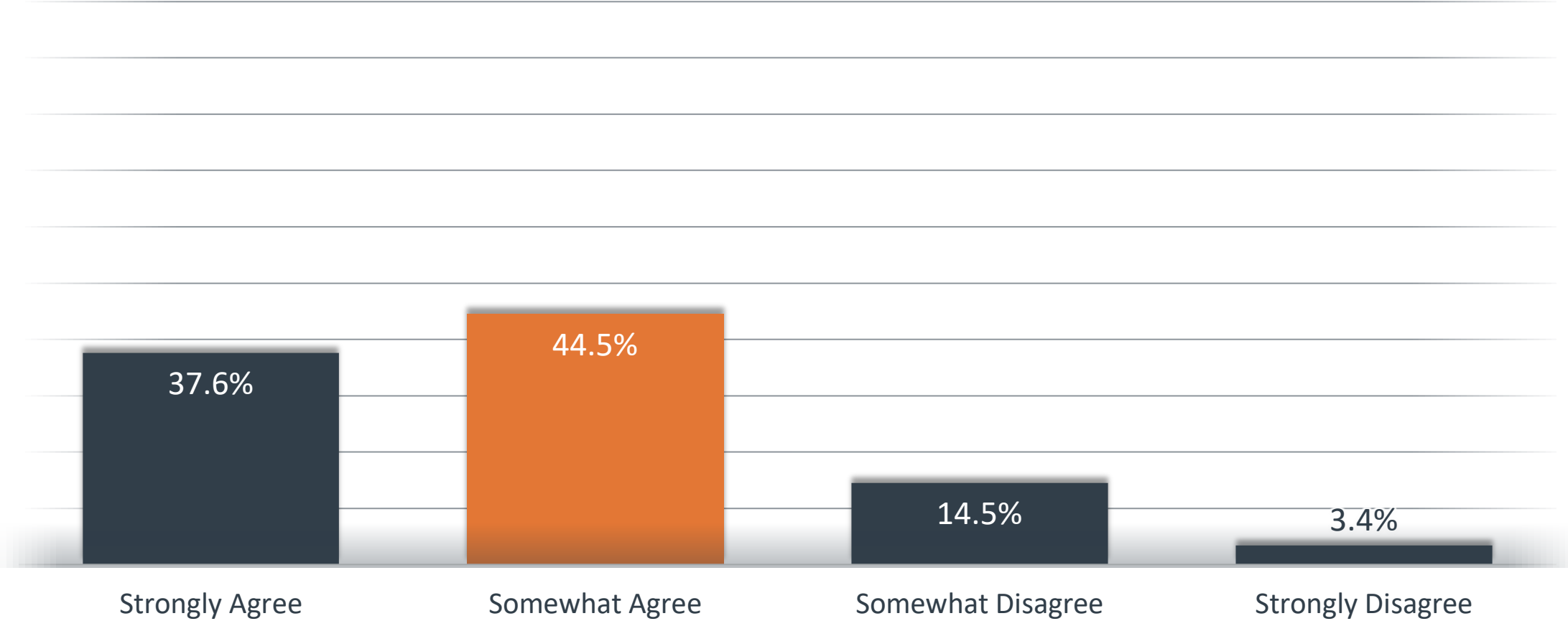
If You Were a Juror in a Civil Lawsuit With a Corporate Defendant, Would Your Own Personal Financial State Affect Your Views on Damages?



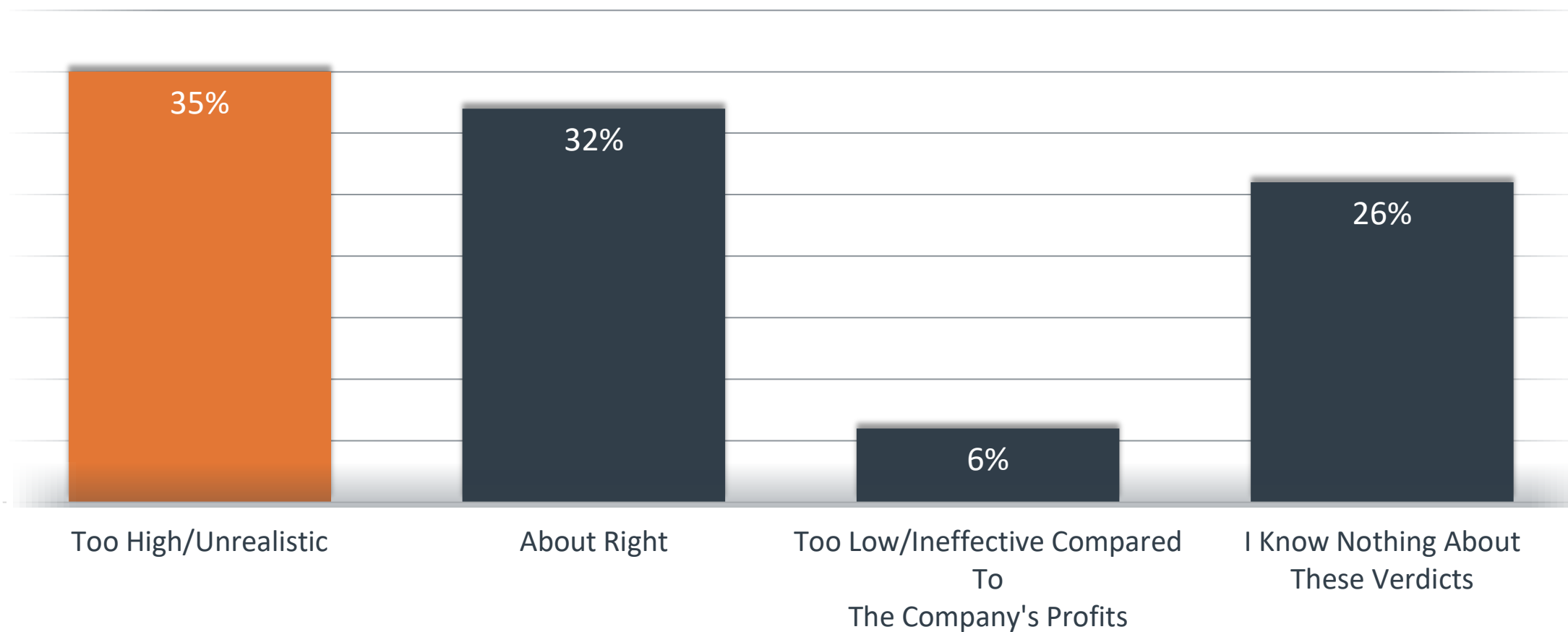
If You Were a Juror in a Civil Lawsuit With a Corporate Defendant, Would How They Handle Their Business and Employees During the COVID-19 Outbreak Affect Your Views of the Corporation?



The primary purpose of awarding damages to a plaintiff (the party that is suing) in a lawsuit is to punish the defendant (the party being sued).



Some Consumer Product Manufacturers Have Been Hit With Billion-Dollar Jury Awards. Do You Think These Billion-Dollar Awards Are:





Questions